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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,369	03/03/2005	Iwao Katsuyama	1422-0666PUS1	6217

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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ARCHIE, NINA

ART UNIT	PAPER NUMBER
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1645

NOTIFICATION DATE	DELIVERY MODE
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03/19/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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**MAR 19 2008**

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BIRCH STEWART KOLASCH & BIRCH  
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FALLS CHURCH, VA 22040-074

In re Application of: :  
Katsuyama et al. :  
Serial No.: 10/526,369 :  
Filed: March 03, 2005 :  
Attorney Docket No.: 1422-0666PUS1 :  
: **SUSPENSION OF ACTION**

This is in reply to the petition under 37 CFR 1.103 to suspend action in this application at applicant's request for a period of six months, filed January 24, 2008.

**The petition fee of \$200.00 will be charged to applicants' Deposit Account 02-2448, as directed.**

**BACKGROUND**

Applicants request prosecution in this application be suspended for a period of six months in order to conduct and complete experiments in order to show unexpected results via a declaration to overcome a rejection.

**DISCUSSION**

**§ 1.103 Suspension of action by the Office.**

- (a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
- (1) A showing of good and sufficient cause for suspension of action; and
  - (2) The fee set forth in § 1.17(h), unless such cause is the fault of the Office.

Applicants have replied to the final Office action of September 24, 2007 by filing arguments concurrently with this petition. Applicants have also indicated that a suspension period of six months is necessary in order to gather comparison data to show unexpected results. However, prosecution is now closed. As the case is under final rejection, applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee.  
If applicant should desire to file an amendment, entry of a proposed amendment after

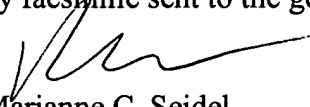
final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier. A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

## DECISION

In view of the above reason, the petition is **DENIED**.

Any request for reconsideration of this decision must be filed within two months of the date of this decision. Extension of this time is governed by 37 CFR 1.136(a).

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.



Marianne C. Seidel  
Quality Assurance Specialist/Program Examiner  
Technology Center 1600